

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
MARCH 23, 2000**

PRESENT: Richard Hinsman, Richard Kollmansberger, Nancy Gerrard, Bettye Lawrence (at 10:20 a.m.); Jerome Nelson (by telephone)

EXCUSED: James R. Imhoff and Harold Lee

STAFF PRESENT: Cletus Hansen and Jan Neitzel; Division of Enforcement staff were present for portions of the meeting.

GUESTS: Rick Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:06 a.m. by Richard Hinsman, Vice Chair, upon confirmation that the public notice was timely given. A quorum of 5 members was present.

AGENDA

MOTION: Nancy Gerrard moved, seconded by Richard Kollmansberger, to adopt the agenda as published. Motion carried unanimously.

MINUTES (12/9/99)

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings was not available.

Division Administrator's Report

- Board Roster

Richard Kollmansberger added his e-mail address to the roster.

- Meeting Dates for 2000

The Board received a copy of the year 2000 meeting dates. Noted.

- Screening Statistics

The Board received a copy of the January 27 and February 24, 2000, screening statistics. Noted.

- Credential Holder Query

Clete Hansen explained that the Credential Holder Query is now available on the Internet for public use.

Betty Lawrence arrived at this point.

- Legal Counsel

Bill Dusso, Legal Services, reported that Don Rittel has resigned.

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to request Bill Dusso send a letter to Don Rittel thanking him on behalf of the Board. Motion carried unanimously.

LEGISLATIVE UPDATE

Real Estate Broker Supervision: AB 566 & SB 286

Clete Hansen reported the Real Estate Broker Supervision Bills AB 566 and SB 286 have been passed in the Assembly and are now in the Senate.

Other

Mr. Staff has contacted Senator Chvala's office regarding the Real Estate Broker Supervision Bills, Megan's Law, and the Lead Paint Legislature. Rick Staff reported that Megan's Law and the Lead Paint Legislature have been passed in the Assembly.

ADMINISTRATIVE RULES

Rule Draft Relating to Supervision, Negotiations, Etc.

The Board discussed clarifying supervisory personnel and agreed that a supervisor is someone who is readily available and competent.

The Board discussed several changes in RL 17.08(1) and (2).

MOTION: Nancy Gerrard moved, seconded by Bettye Lawrence, to grant Clete Hansen the authority to make the following changes in RL 17.08(2), to fix any errors, and send to the Rules Clearinghouse. Motion carried unanimously.

Remove “ensure” in the line “developing, implementing and enforcing written policies and procedures to ensure.” and replace with “ascertain” or “assure.” Clarify what “these duties” are. Add “timely review,” following “preparation.” Remove “preparation”.

The Board discussed second buyers and the sale of personal property by the seller and agreed that an amendment to the sale be supplied.

The Board discussed buyers working directly with the sellers listing agent.

The Board discussed identifying business property with a sign.

The Board discussed licensed real estate brokers/sales agents disclosing themselves as the principal listing agent or buyer.

The Board asked for clarification of “licensee’s immediate family.” Clete Hansen will have the information to clarify licensee’s immediate family for the next meeting.

PRACTICE QUESTIONS

Presentations to Buyer-72-Hour Clause, Counter-Offers

The Board discussed the request from Pete Schils relating to primary offers and secondary offers. Mr. Schils is requesting that the seller be allowed to notify the primary offerer that a secondary offer has been received and that any contingency clauses that may be in the primary offer be removed within the specified amount of time. The recommendation is that the listing broker deliver the notice to the primary offerer and not to the agent that received the offer.

Mr. Staff stated the notification of a second buyer does not have to be made through the selling agent or the buyer’s agent. The Board concurred.

HOME INSPECTIONS

Clete Hansen stated that the Home Inspector Advisory Committee would like to attend a Real Estate Board meeting to discuss real estate appraisers. The Real Estate Board agreed that attendance at the next meeting would be agreeable.

NEW BUSINESS

Clete Hansen advised the Board of a change in the residential offer to purchase form. The word “optional” was added after the social security number or the FEIN number.

Mr. Hansen advised the Board of a change in the residential offer to purchase form. The reference in Line 106 should be changed from 317-320 to 317 & 320.

PUBLIC COMMENT

None.

MISCELLANEOUS CORRESPONDENCE

The To-Pass Folder was circulated and duly noted.

RECESS TO CLOSED SESSION

MOTION: Nancy Gerrard moved, seconded by Jerry Nelson, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring reports, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Nancy Gerrard-yes; Richard Hinsman-yes; Richard Kollmansberger-yes; Bettye J. Lawrence-yes; Jerome M. Nelson-yes. Motion carried unanimously.

Open Session recessed at 11:17 a.m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on case closings, stipulations, monitoring issues, and administrative warnings.

Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Bettye Lawrence moved, seconded by Jerry Nelson, to adjourn the Closed Session and to reconvene in Open Session at 11:49 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Jerry Nelson moved, seconded by Nancy Gerrard, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

99 REB 056	Helen R. Patenaude	Insufficient evidence
99 REB 185	Gordon Lesperance	Prosecutorial discretion
99 REB 185	Hope Realty Inc.	Prosecutorial discretion
99 REB 185	Russ A. Lesperance	Prosecutorial discretion
99 REB 122	Lisa A. Hanson	P3
99 REB 122	Richard A. Burgess	P3
99 REB 163	Dorothy A. Bird	P1, Letter of concern
99 REB 231	William Wens	Insufficient evidence
99 REB 225	Robert Maher	P6

STIPULATIONS

Donna M. Brown, Lynda P. Parfitt and Paper Valley Consultants, Inc. (Menasha and Oshkosh, WI.)

MOTION: Nancy Gerrard moved, seconded by Bettye Lawrence, to accept the Stipulation, Findings of Facts, Conclusions of Law and Order, in the disciplinary matter of Donna M. Brown, Lynda P. Parfitt and Paper Valley Consultants, Inc. Motion carried unanimously.

Jon M Rushman (Strum, WI.)

MOTION: Nancy Gerrard moved, seconded by Bettye Lawrence, to accept the Stipulation, Findings of Facts, Conclusions of Law and Order, in the disciplinary matter of Jon M. Rushman. Motion carried unanimously.

William J. Morris (Milwaukee, WI.)

MOTION: Nancy Gerrard moved, seconded by Bettye Lawrence, to accept the Stipulation, Findings of Facts, Conclusions of Law and Order, in the disciplinary matter of William J. Morris. Motion carried unanimously.

LMJ Associates, Inc. D.B.A. (Wausau, WI.)

MOTION: Nancy Gerrard moved, seconded by Bettye Lawrence, to accept the Stipulation, Findings of Facts, Conclusions of Law and Order, in the disciplinary matter of LMJ Associates, Inc. Motion carried unanimously.

Deliberation on Proposed Stipulations or Disciplinary Actions that May be Signed After Printing of Agenda

None.

ASSESSMENT OF COSTS

Johnnie E. Bond (Milwaukee, WI.)

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to accept the assessment of costs for Johnnie E. Bond. Motion carried unanimously.

Donald H. Mueller (Elm Grove, WI.)

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to accept the assessment of costs for Donald H. Mueller. Motion carried unanimously.

Thomas H. Petersen (Deerfield, WI.)

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to accept the assessment of costs for Thomas H. Peterson. Motion carried unanimously.

MONITORING REPORT

Randall Stumpf

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to grant Randall Stumpf a year extension to complete the continuing education and to pay the forfeiture. Motion carried unanimously.

Craig Curtis

MOTION: Bettye Lawrence moved, seconded by Richard Kollmansberger, to revoke the license of Craig Curtis. Motion carried unanimously.

ADJOURNMENT

MOTION: Nancy Gerrard moved, seconded by Bettye Lawrence, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 11:56 a.m.